

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 6, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-28127 - APPLICANT: VIP BAIL BONDS - OWNER:  
CLARENCE AND KRESSIE NOBLE**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for the Bailbond Service use.
2. The hours of operation shall be limited to 8 AM to 10 PM, Monday through Friday, and on Saturday and Sunday from 10 AM to 6 PM.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Handicapped Parking Spaces shall be re-stripped to comply with current Title 19.10 standards.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit to allow a Bailbond Service at 1363 West Owens Avenue. Title 19.04 defines a Bailbond Service as an establishment that makes available to the public undertakings of bail in connection with judicial proceedings. Due to the very close proximity to child care facilities, religious facilities, and single family residential properties staff is recommending denial of this application.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
04/28/64	The City Council approved Rezoning (Z-0028-64) of the subject site, along with other properties in the area from R-4 (High Density Residential) to C-1 (Limited Commercial).
03/15/06	The City Council approved a request for a Special Use Permit (SUP-11258) for a Bailbond Service at 1230 West Owens Avenue. That location is approximately 660 feet east of the subject site. The Planning Commission and Staff recommended approval.
06/26/08	<a href="#">The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #33/leh).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
11/26/91	A building permit (#91130688) was issued for Onsite Improvements at 1351 West Owens Avenue.
01/02/92	A building permit (#92131610) was issued for a New Building at 1351 West Owens Avenue. This project was completed on 01/08/93.
07/31/95	A building permit (#95383538) was issued for a shell building at 1355 West Owens Avenue. This project was completed 11/27/95.
04/26/99	A building permit (#99011410) was issued for a new addition to commercial center at 1367 West Owens Avenue. This project was completed on 02/04/00.
05/03/03	A fire department inspection (#8545) was conducted at 1363 West Owens Avenue.
03/17/06	A business license (#B01-01135) was issued for a Bail Agency at 1363 West Owens Avenue.
03/17/06	A business license (#B18-00046) was issued for a Bail Bond Agent at 1363 West Owens Avenue.
05/07/07	A business licenses (#B05-03046, B08-01194) were issued for a Cosmetological Establishment and a Beauty/Cosmetic Sales at 1367 West Owens Avenue.

4/23/08	Change of location requested for a business license for a Bail Agency from 1230 West Owens Avenue to 1363 West Owens Avenue. The business owner was informed that a new Special Use Permit would be required to conduct that type of business at a new location (#B01-01135) and (#B18-00046).
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#### ***Pre-Application Meeting***

09/21/2007	Requirements for a Special Use Permit for the Bailbond Service were explained in detail for the applicant.
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#### ***Neighborhood Meeting***

A meeting is not required for this application, nor was one held.
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#### ***Field Check***

5/21/08	Staff conducted a site visit of the subject site and found all signage for the proposed business in place. It appeared as though that signage has been in place for some time, as noticeable fading was apparent. The businesses that were observed on the site and appear to be in operation are a nail/hair salon, a thrift store, and a church. The provided handicapped spaces were found to not be in compliance with Title 19.10, as there are no five-foot access isles provided on each side of the spaces.
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#### ***Details of Application Request***

##### ***Site Area***

Net Acres	.43
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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial Center	C (Commercial)	C-1 (Limited Commercial)
North	Vacant SDR-18202 (Proposed Shopping Center)	C (Commercial)	R-3 (Medium Density Residential) under Resolution of Intent for C-1 (Limited Commercial)
South	Single Family Home	C (Commercial)	R-1 (Single Family Residential)
East	Single Family Home	C (Commercial)	R-1 (Single Family Residential)
West	Parking Lot	C (Commercial)	R-E (Residence Estates)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
West Las Vegas Plan		X	N*
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District (140 Feet)	X		Y**
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\*One of the primary goals of the West Las Vegas plan is to adequately buffer neighborhoods and religious facilities from intense uses; this is a case where an intense use is encroaching into a sensitive area.

\*\* The subject property is located within the North Las Vegas Airport Overlay within the 140-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Beauty Salon	1000 SF (3 Chairs)	2 per chair	6				
Thrift Store	1000 SF	1/250 SF	4				
House of Worship	800 SF	1/100 SF	8				
Hair Salon	600 SF (2 Chairs)	2 per chair	4				
Proposed Bailbond Service	576 SF	1/300 SF	3				
SUBTOTAL			25	1	26	2	
TOTAL (including handicap)			26		28		N*

\*The configuration of the handicapped spaces does not meet the current Title 19.10 standards, however a condition has been added to require the subject site to have the spaces re-striped to meet current standards.

## **ANALYSIS**

This is a request for Special Use Permit for a Bailbond Service at 1363 West Owens Avenue. Title 19.04 defines a Bailbond Service as an establishment that makes available to the public undertakings of bail in connection with judicial proceedings. Due to the potential 24-hour nature of this business a condition has been added to restrict the hours of operation. There are child care facilities, religious facilities, and single family residential properties in very close proximity to the site; therefore staff is recommending denial of this application.

- **General Plan**

This application does not comply with neighborhood revitalization component of the Las Vegas 2020 Master Plan-Policy 2.0 which clearly states that “mature neighborhoods will be sustained and improved through appropriate and selective high quality redevelopment and preservation.” The potential intensity of this use being 24-hours in nature with the possibility of bringing individuals undergoing criminal proceedings into the close proximity of the protected uses, child care facilities, religious facilities, and single family residential properties. The proposed use could present an encroachment which is not compatible with the area. Therefore this application does not meet the standards set forth in the Master Plan.

Additionally this site is located in the West Las Vegas Plan area. One of the primary goals of the West Las Vegas Plan is to adequately buffer neighborhoods and religious facilities from intense uses; this is a case where an intense use is encroaching into a sensitive area.

- **Zoning**

The subject site has been zoned C-1 (Limited Commercial). In Title 19.02 the C-1 (Limited Commercial) District is defined as follows. The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors.

While this use is allowed with a Special Use Permit in a C-1 (Limited Commercial) district, staff finds that the proposed location is not appropriate given its close proximity to single family homes and other sensitive uses, such as child care and religious facilities.

- **Use**

Title 19.04 defines a Bailbond Service as an establishment that makes available to the public undertakings of bail in connection with judicial proceedings.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The majority of the Bailbond Service establishments within the City of Las Vegas are located in the downtown core, within proximity of the regional judicial facilities and jail facilities.

Due to the 24-hour nature of this use and the potential to deal with significant numbers of individuals undergoing various criminal proceedings, this use requires a Special Use Permit. The subject site is in very close proximity to child care facilities, single-family homes and religious facilities. The subject commercial center presently has a church located within it. Staff finds that this use is too intense for this area.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for a Bailbond Service which primarily requires a commercial storefront or office. The proposed site is not well positioned for a use of this intensity because of its close proximity to protected uses such as, child care facilities, single-family homes and religious facilities.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site has access to both Owens Avenue which is designated as a 100-foot wide Primary Arterial, and “N” Street which is designated as a 50-foot wide Local Collector Street by the Master Plan of Streets and Highways. These roadways are more than adequate to meet any demands placed on them by this proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

This application does not comply with neighborhood revitalization component of the 2020 Master Plan, Policy 2.0 which clearly states that “mature neighborhoods will be sustained and improved through appropriate and selective high quality redevelopment and preservation.”

The potential intensity of this use, being 24-hours in nature and the possibility of bringing individuals undergoing criminal proceedings into a sensitive area represents an encroachment of a use which is not compatible with the area. Therefore this application does not meet the standards set forth in the Master Plan.

**5. The use meets all of the applicable conditions per Title 19.04.**

The use does not meet the parking standards for handicapped parking spaces, as there is currently no five-foot access aisles provided between each handicapped space.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 20

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 213 by City Clerk

**APPROVALS** 0

**PROTESTS** 1